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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
STE 1750
100 GALLERIA PARKWAY, NW
ATLANTA, GA 30339-5948

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,386

Applicant(s)

THOMAS PETITE

Examiner

REXFORD BARNIE

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 23, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33, 35-50, 52-55, and 57-73 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 35-50, 52-55, and 57-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

REXFORD BARNIE
PRIMARY EXAMINER

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DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 33, 35-50, 52-55 and 57-73 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6233327 in view of Karimullah (US Pat# 5,343,493).

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The claims teaches all the claimed subject matter except that the independent claims fail to teach transmitting a destination telephone number or destination number for contact with a central station as part of the signal from the transmitter, which in the Patent corresponds to claims 3, 19 and so forth. Karimullah teaches a low power transmitter wherein the transmitter can transmit a signal made up of codeword wherein the codeword would include a destination identifier in (see col. 4 lines 42-65 and col. 8 lines 1-33)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be able to incorporate the teaching of Karimullah into that of the pending independent claims thus making it possible to contact a unique service provider based on a transmitted telephone number in times of distress and so forth.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 33, 36-41, 46-50, 53-55 and 58-73 rejected under 35 U.S.C. 103(a) as being obvious over Petite et al. (US Pat# 5,714,931) in view of Karimullah (US Pat# 5,343,493).

Regarding claims 33 and 55, Petite teaches a system for communicating information to a predetermined location, the system comprising a hand held transmitter configured to transmit a

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wireless signal indicative of an information in (see col. 2 lines 7-9, col. 3 lines 25-38) in vicinity of a transceiver, a central location configured to receive the information and communicate over the telephone line in the PSTN reads on a remote station configured according to Petite to receive distress information via a transceiver remote to the low powered transmitter which in turn sends the information over a telephone line which inherently would have a line interface associated with a PSTN in (see col. 2 lines 17-34) and the transceiver according to Petite in (see col. 2) has decoding means, transmits and adds other detailed information to the received information from the lower power transmitter thus making it inherent that that transceiver has a processor. Petite teaches all the claimed limitation as set forth above except the signal transmitted from the low powered transmitter.

Karimullah teaches a personal assistance system and method for use with a cellular communication system wherein a low power transmitter (20) can transmit a codeword which includes a telephone number of a service request provider in (see col. 4 lines 42-65 and col. 8 lines 1-33, col. 9 lines 34-40).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Karimullah into that of Petite thus making it possible to contact a service provider to request assistance such as the police when assaulted for immediate assistance.

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Regarding claims 36, 58 and 69, The combination teaches a hand-held transmitter which transmits a relatively low power radio frequency signal in (see Karimullah or Petite) in reference to the transmitter.

Regarding claims 36-40 and 61-65, see the explanation as set forth regarding claims 1 in regard to being able to receive a unique transmission destination address as taught by Karimullah, location (see col. 1 lines 56-67, col. 3 line 66-col. 4 line 4 of Petite or col. 4 lines 50-64, col. 7 line 64-col. 8, col. 9 of Karimullah and so forth). Also, factors including a transmitter identifier is taught by the combination.

Regarding claim 41, The combination teaches a central location with personnel to respond to a received distressed signal in (See Petite or Karimullah).

Regarding claims 46 and 72, see the explanation as set forth in the rejection of claim 33 because the claimed apparatus would perform the method claims.

Regarding claims 47-50 and 53-54, see the explanation as set forth regarding claims 36-40.

Regarding claims 59-60 and 70-71, The examiner takes official notice that transmitters which uses infrared or ultrasound signals are notoriously well known and would have been obvious to one of ordinary skill in the art to use any commercially available and functionally equivalent transmitters for the obvious reason of being able to send information signals to a transceiver for applications such as personal assistance.

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Regarding claim 66, see the explanation as set forth regarding claim 33 in addition to the fact that the transceiver remote to the low power transmitter would include a receiver to receive and a transmitter interface to a telephone line for receiving information from the receiver portion and another portion to direct information over a telephone line, these feature would be inherent in Petite.

Regarding claims 67-68, The combination teaches a transceiver made of a circuit with programmable information and has a look-up table in (see col. 5 of Pettite).

Regarding claim 73, see the explanation as set forth in the rejection of claim 33 in addition to the fact that the transceiver taught by Pettite teaches the claimed subject matter in (see cols. 4-6 of Petite).

5. Claims 35, 42-45 and 52-57 are rejected under 35 U.S.C. 103(a) as being obvious over Petite et al. (US Pat# 5,714,931) in view of Karimullah (US Pat# 5,343,493) and further in view of Burnett (US Pat# 6,067,030).

Regarding claim 35, 42-43, 52 and 57, The combination fails to teach being able to contact a destination station using an address including an IP address transmitted by a communication device.

It's notoriously well known to use communication device such as telephones to communicate with destination parties over the internet using a unique IP address known as internet telephony.

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The examiner thus has supplemented the combination with a secondary reference which teaches being able to contact a destination station by communicate information over the internet thus requiring an IP address to send information including including fields associated with alarms and so forth (see col. 3 lines 54-67, col. 7) for display..

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Burnett into that of the combination thus making it possible for a user to communicate over any commercially available network including wireless, wireline, intranet, internet using the destination address associated with such networks for the obvious reasons of being able to send a distress signal or a service request signal to a remote service provider for immediate assistance

Regarding claims 44-45, the examiner takes official notice that it's well to use error detection or correction fields, start/stop fields in addition to other information indicators by including them as bit fields in a transmitted data message for transmission over a packet switching network and would have been obvious to one of ordinary skill to include such knowledge for the obvious reason of being able to transmitted a packet information over the the internet to be received by a destination site.

6. Claims 33, 36-41, 46-50, 53-55, 58-66 and 69-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argyroudakis et al. (US Pat# 5,748,104) in view of Karimullah (US Pat# 5,343,493) or Turino (US Pat# 5,994,892) or Brown, Jr. et al. (US Pat# 5,761,083).

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Regarding claim 33, Argyroudis teaches a system for communicating information to a predetermined location comprising an extremely low power transmitter configured to wirelessly transmit an extremely lower-power signal (column 5 lines 25-32), a transceiver located remote from but in close proximity to the transmitter, the transceiver comprising a line interface circuit configured to interface with a telephone line which is part of the PSTN, an inherent processor configured to receive the signal and communicate the signal information to a central location in (see fig. 1, col. 3 lines 12-14, lines 43-50, col. 5). Furthermore, the transceiver according to (see col. 5 line 63-col. 6 line 2) would be capable of displaying information. Argyroudis teaches all the claimed limitation except being able to receive as part of the wireless information transmitted, a destination location identifier such as a destination telephone number.

Karimullah teaches a personal assistance system and method for use with a cellular communication system wherein a low power transmitter (20) can transmit a codeword which includes a telephone number of a service request provider in (see col. 4 lines 42-65 and col. 8 lines 1-33, col. 9 lines 34-40). Furthermore, based on the destination number, a service provider can be contacted accordingly.

Turino teaches a utility communication system wherein a utility means can transmit information including a telephone number to initiate a call to a central monitoring station in (see col. 2 lines 56, col. 8 lines 16-23, and col. 24).

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Brown teaches an energy management and home automation system in (see figs, col. 4, col. 6 lines 54-67) wherein sensors can transmit signals including a telephone number over a telephone line.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either (Karimullah or Turino or Brown) into that of Argyroudis thus making it possible to contact a service provider for a service request or to inform the service provider about pertinent information by using the destination identifier including a telephone number.

Regarding claim 36, The combination including Argyroudis teaches a low power communication system.

Regarding claims 37-41, see the explanation as set forth regarding claim 33. The combination including Karimullah teaches a codeword including a location information, destination tele#, transceiver identification code and so forth in (see col. 4, col. 7 line 64-col. 8).

Regarding claim 46, see the explanation as set forth regarding claim 33 because the claimed apparatus would perform the method steps.

Regarding claims 47-50 and 53-54, see the explanation as set forth regarding claims 37-41.

Regarding claim 55, see the explanation as set forth regarding claim 33 because the means for transmitting simply reads on a transmitter as taught by Argyroudis, a transceiver is

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taught which includes a receiver and a transmitter connected to a telephone interface for final transmission to a monitoring station.

Regarding claims 58 and 61-65, see the explanation as set forth regarding claim 33. The combination including Karimullah teaches a codeword including a location information, destination tele#, transceiver identification code and so forth in (see col. 4, col. 7 line 64-col. 8).

Regarding claim 66, see the explanation as set forth in the rejection of claim 33 in addition to the fact that the home base unit (HBU, 122 of Argyroudis) would include an inherent controller to function with the transceiver associated with the home base unit. Furthermore, according to (see col. 5 of Argyroudis), HBU could have display functions wherein information can be displayed.

Regarding claim 69, The combination teaches a low power signal in (see Argyroudis).

Regarding claims 59-60 and 70-71, The examiner takes official notice that transmitters which uses infrared or ultrasound signals are notoriously well known and would have been obvious to one of ordinary skill in the art to use any commercially available and functionally equivalent transmitters for the obvious reason of being able to send information signals to a transceiver for applications such as personal assistance.

Regarding claim 72, see the explanation as set forth regarding claim 33 because the claimed apparatus would perform the method steps.

Regarding claim 73, see the explanation as set forth in the rejection of the claimed subject of claim 33. Furthermore, Argyroudis teaches a transceiver which would have means for

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receiving and a means for transmitting by definition of a transceiver and an inherent controller for controlling the Home base unit (122 of Argyroudis) based on its ability to display information and so forth.

7. Claims 35, 42-45 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Argyroudis et al. (US Pat# 5,748,104) in view of Karimullah (US Pat# 5,343,493) or Turino (US Pat# 5,994,892) or Brown, Jr. et al. (US Pat# 5,761,083) and further in view of Burnett (US Pat# 6,067,030).

Regarding claims 35, 42-45 and 52-57, The combination fails to teach being able to contact a destination station using an address including an IP address transmitted by a communication device.

It's notoriously well known to use communication device such as telephones to communicate with destination parties over the internet using a unique IP address known as internet telephony.

The examiner thus has supplemented the combination with a secondary reference which teaches being able to contact a destination station by communicate information over the internet thus requiring an IP address to send information including including fields associated with alarms and so forth (see col. 3 lines 54-67, col. 7) for display..

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Burnett into that of the combination thus making it possible for a user to communicate over any commercially available network including

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wireless, wireline, intranet, internet using the destination address associated with such networks for the obvious reasons of being able to send a distress signal or a service request signal to a remote service provider for immediate assistance.

Regarding claims 44-45, the examiner takes official notice that it's well to use error detection or correction fields, start/stop fields in addition to other information indicators by including them as bit fields in a transmitted data message for transmission over a packet switching network and would have been obvious to one of ordinary skill to include such knowledge for the obvious reason of being able to transmitted a packet information over the the internet to be received by a destination site.

Response to Arguments

8. Applicant's arguments with respect to claims 33, 35-50, 52-55 and 57-73 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments filed on 05/23/2003 have been fully considered but they are not persuasive. .

The applicant argued that the combination as set forth in the rejection of the claimed subject matter namely; Argyroudis and Karimullah fails to render the claimed subject matter.

The examiner strongly disagrees because Argyroudis teaches all except being able to receive a telephone number which according to Karimullah can be transmitted as part of a codeword thus the examiner believes the explanation as set forth is proper and permissible for the reasons set forth in the rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to REXFORD BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on Monday through Friday from 8:30 to 6:00p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to (703) 872-9314 and labeled accordingly (Please label
"PROPOSED/INFORMAL" or "FORMAL").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 306-0377.

Rexford Barnie
Patent Examiner
RB 07/22/03


REXFORD BARNIE
PRIMARY EXAMINER